

## REMARKS

The only issues outstanding in the Office Action mailed October 1, 2008, are the rejections under 35 U.S.C. 102. Reconsideration of these issues, in view of the following discussion, is respectfully requested.

Claims 1-20 have been rejected under 35 U.S.C. 102(e) over either Francis '903 or Francis '368, both commonly assigned with the present application. Reconsideration of this rejection is respectfully requested.

Francis '368 expresses a preference for compounds having an end ring substituted with a cyano group. See, for example, column 6, lines 27-30, and formulae I and II at column 7 of the patent. The present liquid crystalline composition claims, as well as the device claims, have been amended in order to clarify that the liquid crystalline composition is free of compounds having an end ring substituted with at least one cyano group. Support for this amendment may be found in the present specification at page 19, lines 1-8, particularly 6-8. Accordingly, this patent fails to anticipate the presently claimed compositions and devices, and withdrawal of the rejection is respectfully requested.

Francis '903 contains similar disclosure, also preferring cyano substitution on end rings. See, for example, column 10, R<sup>11</sup> and R<sup>12</sup> and, particularly, columns 13-16 of formula II. For the same basis as discussed above, it is respectfully submitted that this disclosure also fails to anticipate the present liquid crystalline device claims in which there are no terminal-cyano substituted compounds. Withdrawal of this rejection is also respectfully requested.

Finally, claims 1-20 have been rejected under 35 U.S.C. 102(e) over Miyazawa. Reconsideration of this rejection is also respectfully requested.

It is argued, at page 3 of the Office Action, that the published application discloses a liquid crystal composition "for use in a bistable nematic liquid crystal device." This is respectfully submitted to be in error. The only mention of bistable twisted nematic devices is in generic paragraph 3 of the application, where it discusses the types of liquid crystal display elements broadly known in the art. This list includes virtually all of the currently employed display elements. However, merely mentioning nearly every known display type hardly

anticipates the use of the disclosed compounds in every one of those devices. In fact, one of ordinary skill in the art would know that the materials disclosed therein could not possibly be suitable for every single one of the elements listed in paragraph 3, inasmuch as these elements each require different characteristics of the liquid crystalline composition employed. Moreover, at page 4, paragraph 46, various display types are noted in which the materials of the disclosure can be used, but bistable displays are not among them.

It is thus respectfully submitted that the bistable display claims herein are in no way suggested by the disclosure of the application.

Moreover, with respect to the liquid crystalline composition claims herein, patentees' disclosure fails to suggest mixtures having at least one compound of formula I-K or I-L, and one or more compounds of formula II. Accordingly, withdrawal of this rejection is also respectfully requested.

The claims of the application are submitted to be in condition for allowance. However, if the Examiner has any questions or comments, she is cordially invited to telephone the undersigned at the number below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/Harry B. Shubin/

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Attorney Docket No.: MERCK-3221

Date: February 2, 2009